

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY MARSHALL,

Plaintiff, No. CIV S-04-1657 DFL EFB P

vs.

DEPUTY CASTRO, et al.,

Defendants. ORDER

Plaintiff is a state prisoner without counsel seeking relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. Defendants have filed a motion to vacate the pretrial dates established in the April 26, 2006, schedule. Pursuant to that schedule, plaintiff had until December 29, 2006, to file a pretrial statement, defendants had until January 12, 2007, to file a pretrial statement, and the pretrial conference was set for January 19, 2007. The trial date is April 9, 2007.

Defendant Molloy's September 28, 2006, motion for summary judgment is pending; defendant Castro's September 29, 2006, motion for summary judgment is pending; and several findings and recommendations are awaiting orders adopting them. Resolution of these pending matters may or may not dispose of the case without trial, or it may limit the issues and

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1 the witnesses and exhibits that will be presented at trial. Therefore, the parties cannot, despite
2 diligence, comply with the above dates.

3 Accordingly, the above dates are vacated. *See* Fed. R. Civ. P. 16(b). Upon resolution of
4 the motion, new dates will be set if the case is not disposed of by the motion.

5 Dated: January 17, 2007.

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7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
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